

PERSONNEL LEGISLATION NEEDED BY CIA

1. Extension of Medical Benefits for Overseas Employees and Their Dependents

a. Proposal

(1) Medical care and hospitalization benefits, including transportation to hospital facilities, should be made available to immediate families of CIA employees when such personnel have a permanent assignment abroad and have their dependents with them. The eligibility for such benefits should depend on a prior determination of causal relationship based on exposure to additional hazard in a manner similar to the standard utilized by the Bureau of Employees' Compensation. Such benefits should be available only for the period the dependent is abroad or until the employee's current tour of duty is terminated, whichever occurs earlier.

(2) The medical and hospitalization benefits available to employees under P.L. 110, Section 5(a)(5) who are permanently assigned abroad in overseas posts of duty should be extended to personnel temporarily abroad in official business and to employees performing duty in the territories and possessions of the United States.

b. Justification

(1) Inequities exist under current authorities in the field of medical benefits for employees of CIA and their dependents. At the present time there is no authority for providing medical benefits to dependents of Agency personnel, and certain employees are denied benefits because they are serving in a temporary duty status or at a post in a U. S. territory or possession.

(2) Section 5(a)(5)(A) and (a) of P.L. 110 provides medical benefits under more liberal standards of eligibility, i.e., eligibility for benefits while assigned abroad, than the Federal Employees' Compensation Act. Although the section is patterned after the Foreign Service Act of 1946, the benefits are limited in CIA to employees assigned permanent duty stations outside the U. S., its territories and possessions, whereas such benefits are accorded personnel in the Foreign Service while outside the continental U. S. on official orders.

(3) Distinctions in benefits between overseas personnel based solely on assignment status result in inequities. Two employees stationed at the same post and afflicted with the same disease (not traceable to performance of duty under BEC standards) should receive the same medical benefits. Similarly, it is believed that there is no valid distinction between U. S. territories versus other overseas posts relative to health conditions. In each of these situations, the basic justification for

such benefits in excess of those provided by the Employees' Compensation Act is based on lower standards of sanitation, medical practices, hospital facilities and lack of accessibility of adequate facilities. This justification applies with equal vigor to personnel in U. S. territories and temporarily abroad on official duty.

(4) In the performance of its mission, the Agency requires permanent assignments of personnel throughout the world. Whereas it is well-established policy to allow dependents to accompany personnel at Government expense, CIA lacks authority to provide medical benefits for dependents. The presence of dependents in the area is extremely important to the employee and is a significant factor concerning his performance. It is believed that the Government has a moral obligation to reimburse its employees for medical costs and the incidental travel due to illness contracted by dependents by reason of conditions to which they are exposed because of the employee's work. Whether the injury is incurred by the employee or his dependents, the financial hardship is the same.

2. Liberalized Civil Service Retirement

a. Proposed

(1) Legislation should be enacted which would permit Agency personnel who serve overseas to receive credit toward retirement on a full annuity at an earlier age than is provided for under the Civil Service Retirement Act, as amended.

(2) Within the general framework of the Act, personnel serving overseas should receive extra service credits as follows:

(a) An individual's age requirement for voluntary retirement would be reduced six months for each year of overseas service, and the age requirement would be reduced an additional two months for each year of such service at an unhealthful post.

(b) In computing years of creditable service for retirement purposes, an employee would receive a credit of one and one-half years for each year of overseas service and an additional credit for each year of service at an unhealthful post.

b. Justification

(1) The CIA has instituted a professional career service which involves a requirement for serving where and when needed in the best interests of the Agency. Many overseas employees are frequently exposed to conditions differing markedly from those generally typical of Federal employment. They are required to serve under various cover restrictions, having an abnormal effect on living habits, and are likely targets of

forces inimical to the U. S. This ever present hazard is intensified in time of war or localized civil disturbance. Moreover, certain personnel must serve at unhealthful posts in the course of their Agency careers.

(2) The overseas activities of many CIA employees require unusual combinations of mental, physical and psychological characteristics which diminish in proportion to advancement in age. The problem is especially evident among employees who are engaged in such activities for extended periods. In order to provide for an infusion of younger personnel in the organization, accelerated retirement credits should be authorized to permit retirement of overseas personnel at an earlier age than is authorized by the Retirement Act.

(3) Retirement on a full annuity is considered equitable since many retirees will suffer financial hardships in converting to other employment, due to their specialized activities and the security limitations imposed upon their disclosure of information concerning such work.

(4) The request for legislation is consistent with precedents established by Congress in authorizing liberalized retirement for groups with similar requirements, for example, Foreign Service personnel and employees engaged in the investigation and apprehension of criminals. In this regard, the Agency's proposals for retirement are more liberal than that authorized by the Retirement Act but less liberal than the retirement plans of the Foreign Service and military services. Retirement at a very early age would almost certainly be excluded since Agency personnel serve only a portion of their time overseas and accelerated credit would be granted only for such periods.

3. Home Leave Benefits

a. Proposal

The special statutory leave benefits granted to Foreign Service personnel by section 203(f) of the Annual and Sick Leave Act of 1951 should be extended by legislation to CIA personnel (i.e., one week of leave for each four months of service outside the U. S., to be used only in connection with leave following overseas assignment). Note: This special statutory leave is in addition to normal annual and sick leave.

b. Justification

(1) Section 5(a)(3)(A) of P.L. 110 provides authority to pay travel expenses to employees so that they can take accrued annual leave at their place of residence after completion of an assignment to a permanent duty station. The section permits employees to spend time in the U. S. at reasonable intervals to re-establish family ties and to become re-oriented in Agency activities and the American way of life.

In order to qualify therefor, Agency employees must serve two years of continuous service overseas and have sufficient accrued leave to carry them in a pay status for 30 calendar days. Although the purposes of this section are desirable, many Agency personnel have difficulty meeting the leave requirement. Since the enactment of the Annual and Sick Leave Act of 1951, there is considerable difference in the amount of leave accrued by employees (13, 20 and 26 days, respectively), but all must reserve sufficient leave to qualify for leave in the U. S. following overseas assignment, namely, 22 days' leave (the amount required to carry them in a pay status for 30 calendar days). For example, an employee accruing 13 days of leave a year has only 4 days' annual leave available during a two-year period, whereas an employee accruing 26 days a year has 30 days of leave available during the same period.

(2) Apart from these inequities, a limitation of annual leave to 4 days during a two-year period is not compatible with personnel practices encouraging periodic intervals of rest and relaxation. Moreover, employees thus affected cannot take advantage of their leave to visit points of interest abroad, which are of interest to the Agency with regard to effecting overseas placements.

(3) Agency personnel accept an obligation of willingness to serve wherever needed and often serve overseas tours comparable to those required of Foreign Service personnel.

4. Educational Allowances

a. Proposal

(1) The Agency should be authorized to pay an educational allowance, as necessary, to overseas employees with minor dependents (including those in U. S. territories and possessions) when those employees are required to serve in overseas localities where elementary and secondary educational facilities are unsuitable, inferior, excessively expensive or non-existent.

(2) The allowances should partially defray the higher cost of education of minor dependents in overseas areas as compared with the normal cost in U. S. public schools. It is contemplated, however, that allowances would not be paid to individuals who are indigenous to the area of employment.

(3) The Agency should either seek specific authority to grant educational allowances or support legislation having general application to Government agencies.

b. Justification

(1) As an incident of their careers, Agency employees are obligated to serve in areas having inadequate or unavailable educational facilities.

(2) Without such authority, difficult financial situations arise for Agency personnel with a resulting damage to their morale and effectiveness.

(3) In some cases, the Agency may lose the services of needed individuals, unless the allowances are provided.

(4) Legislative precedent for educational allowances exists with reference to the military services.

5. Missing Persons Legislation

a. Proposal

It is believed that the Missing Persons Act, as amended, should be made permanent in preference to periodic action being taken to prevent the expiration date of the law from becoming effective. Note: The law authorizes heads of agencies to designate Federal civilian and military personnel as missing-in-action or dead and to continue their salaries, allowances and allotments during such missing status.

b. Justification

(1) The periodic renewals of the Missing Persons Act is evidential of the need by various Federal agencies for the authorities contained in the law. Insofar as the Agency is concerned, the requirement for such legislation is inherent in the employment of overseas personnel under conditions of strife among nations, whether civil or military, localized or world-wide, surreptitious or overt. Although missing-in-action cases are fewer in number in peacetime, permanent legislation is warranted as long as there is any threat of seizure of overseas personnel.

(2) CIA employees express their willingness to undertake any type of assignment abroad; this commitment should be counter-balanced by some protection against financial adversity in the event detention occurs. Similarly, in the event of death, a prompt legal determination of death should be effected.